SEALED

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

CLERK US DISTRICT COURT NORTHERN DIST. OF TX FILED

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DEPUTY CLERK

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

Information assoicated with Snapchat Account Vanity Name: youngrell11 stored at premises **controlled by Snapchat, a company headquatered in Venice, Ca.**

Case No. 1-16MJ-0060

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location):*

see Attachment "A," which is attached hereto and hereby incorporated by reference.

located in the Northern District of Texas, there is now concealed *(identify the person or describe the property to be seized)*:

see Attachment "B," which is attached hereto and hereby incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
18 U.S.C. 2251(a) and 2	Sexual Exploitation of a Minor and Aiding and abetting

The application is based on these facts:

see Affidavit of Marisol O'Leary, Special Agent- Homeland Security Investigations which is incorporated herein

☑ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: __________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Marisol O'Leary, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/17/16

Judge's signature

City and state: Abilene, Texas

E. Scott Frost, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Marisol O'Leary, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and am assigned to HSI in San Angelo, Texas. I have been so employed since January 13, 2003. As part of my duties as an HSI agent, I investigate criminal violations relating to child sexual exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, §§ 2251, 2252, and 2252A. I also investigate criminal violations relating to transferring obscene matter to minors, in violation of Title 18, United States Code, § 1470, enticement of minors, in violation of Title 18, United States Code, § 2422(b) and sex trafficking of a child, in violation of Title 18, United States Code, 1591. As part of my duties as an HSI Special Agent, I have gained experience conducting criminal investigations involving child sexual exploitation and child pornography, and have participated in the execution of several search warrants in such investigations. I have had the opportunity to observe and review numerous examples of child pornography (as defined in Title 18, U.S.C. § 2256) in all forms of media, including computer media.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and I am a law enforcement officer with the authority to affect arrests and execute warrants issued under the authority of the United States. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers and witnesses. This affidavit is intended to show

merely that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.

3. I make this affidavit in support of an application for a search warrant for information associated with a certain Snapchat account that is stored at premises owned, maintained, controlled, and operated by Snapchat, Inc., a social networking company headquartered in Venice, California. The information to be searched is described in the following paragraphs and in Attachment "A." This affidavit is made in support of an application for a search warrant under Title 18, U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), which requires Snapchat to disclose to the government records and other information in its possession, pertaining to the user or customer associated with the specified Snapchat account, seeking evidence of violations of Title 18, United States Code, §§ 1470, 2251, 2252, 2252A, and 2422(b).

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that evidence relating to violations of Title 18, United States Code, §§ 1470, 2251, 2252, 2252A, and 2422(b) will be contained within the following Snapchat account belonging to Terrell Orlando Kinchen; **a/k/a Snapchat Vanity names: youngrell11 and trapboyrell59.** There is also probable cause to search the information described in Attachment "A" for evidence, fruits and instrumentalities of these crimes, as described in Attachment "B."

STATUTORY AUTHORITY

5. Title 18, United States Code, § 1470, makes it a federal offense for whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual who has not attained the age of 16 years, or attempts to do so.

Title 18, United States Code, 1591(a)(1)(2), makes it a federal offense for any person knowingly in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1) and had not attained the age of 14 years at the time of such offense.

Title 18, United States Code, Section 2251(a), makes it a federal offense for any person to use a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if the person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or to attempt to do so.

Title 18, United States Code, Section 2252(a)(1), makes it a federal offense for any person to knowingly transport or ship using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce by any means, including by computer or mails, any visual depiction if such visual depiction involves the use of a minor engaging in sexually explicit conduct. Title 18, United States Code, Section 2252(a)(2), makes it a federal crime for any person to knowingly receive or distribute child pornography using any means or facility of interstate or foreign commerce that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means, including by computer, or knowingly reproduce any visual depiction for distribution in interstate or foreign commerce by any means, including by computer, or through the mail. Title 18, United States Code, Section 2252(a)(4)(B), makes it a federal crime for any person to knowingly possess one or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means, including by computer, if (1) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (2) such visual depiction is of such conduct.

Title 18, United States Code, Sections 2252A(a)(1) and 2252A(a)(2)(A), make it a federal crime for any person to knowingly mail, transport, ship, receive, or distribute, using any means or facility of interstate or foreign commerce, or in interstate or foreign commerce, by any means, including by computer, any material constituting or containing images of child pornography.

Title 18, United States Code, Section 2422(b), prohibits a person from using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or to attempt to do so.

INVESTIGATION

6. On or about July 7, 2016, San Angelo Homeland Security Investigations received information from Traffick911, a non-government agency created to locate and rescue child sex trafficking victims. Traffick911 reported that a 12-year-old female (here and after referred to as JaneDoe1) from Abilene, Texas had been reported by her mother as possibly being sex trafficked. JaneDoe1 had told her a sibling that she had been sold to older men in Dallas in exchange for money.

7. On or about July 20, 2016, HSI San Angelo learned that snapshots of a sexually explicit video of JaneDoe1and an adult male, later identified as **Terrell Orlando Kinchen** had been distributed to several people on social media websites, and were provided to Abilene Police Department by JaneDoe1's mother.

8. On July 20, 2016, SA O'Leary spoke with JaneDoe1 and she stated there were several videos sexual in nature which had been made in or around Abilene, Texas. She identified the two adult men in the videos as **Terrell Orlando Kinchen** and **Troy Lee Applin**, both of Abilene, Texas.

9. On or about July 23, 2016, Abilene Police Department was provided evidence of two (2) short sexually explicit videos involving JaneDoe1. On August 4, 2016, an evidentiary copy of the videos was provided to HSI San Angelo, and reviewed by SA O'Leary on August 5, 2016. On August 5, 2016, SA O'Leary identified the sexually explicit videos as child pornography and having possibly been taken using the Snapchat application. On August 10,

2016, HSI attempted to preserve Snapchat accounts for Kinchen and Applin but could not do so without the exact vanity names.

10. On September 28, 2016, HSI San Angelo located a vanity name for Kinchen and preserved Snapchat vanity name: **youngrell11**. On October 24, 2016, SA O'Leary and APD arrested Kinchen on a federal compliant, charging him with Enticement of a Child. After being advised of this constitutional rights, Kinchen stated that the sexually explicit videos originated from Snapchat and were transmitted from Troy Applin's Snapchat to Kinchen's Snapchat and several other Snapchat users. On or about October 26, 2016, SA O'Leary found Snapchat vanity names for Troy Applin and Miracle Johnson and a second vanity name for Terrell Kinchen and on October 31, 2016, those Snapchat accounts were preserved.

11. On November 16, 2016, Terrell Orlando Kinchen and Troy Lee Applin, Jr. were indicted by a federal grand jury for the Northern District of Texas in Cause Number 1:16-CR-047-O for Sexual Exploitation of a Child and Aiding and Abetting in violation of Title 18, United State3s code, Section 2251(a) and 2.

SOCIAL NETWORKING SITES AND SNAPCHAT

12. "Social networking" or "social network service" is a term used to describe applications or websites which focus on establishing networks or relationships among individual users based on interests or activities. These services typically consist of a personal online representation of an individual, often referred to as a profile, a list of other individuals with whom a person has common interests and are generally allowed to view their profile and other material, and a variety of other capabilities, such as the ability to upload and share images and videos. Newer capabilities allow access to the social networks via mobile devices such as

cellular telephones and the ability to upload real-time information to an individual's profile. Most, if not all, of the social networks are accessible via the Internet and allow a member to contact other members via electronic mail (e-mail), instant messaging, or comments placed directly to a member's profile. Normally, information posted by individuals to their own or another individual's profiles are not vetted for accuracy or content.

13. Snapchat (www.snapchat.com) is a mobile phone application available through the iPhone App. Store and Google Play whose membership is free to anyone. The Application provides a new way to share moments with photos, videos and text. Snapchat enables users to take pictures and record videos then, if desired, add captions to them and send them to selected individuals.

14. Snapchat allows users to take pictures and videos called "snaps." Users can set a time limit, after which the picture or the video is removed from the Snapchat server and the recipient's device. This provides security for users who are concerned their images may be stored on the Internet or used without their permission.

15. Snapchat allows users to share their "stories". Users can also add the photo/video Snap to their "Story". Depending on the user's privacy settings, the photos and videos added to a Story can be viewed by either all Snapchatters or just the user's friends for up to 24hours.

16. Snapchat allows users to type messages to friends within the Snapchat app using the Chat feature. A user sends a Chat message to a friend, and once it is viewed by both parties – and both parties swipe away from the Chat screen – the message will be cleared. Within the Snapchat app itself, a user can opt to save part of the Chat by tapping on the message (text or

photo) that he or she wants to keep. The user can clear the message by tapping it again.

CONCLUSION

17. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence will be found in **Snapchat account: youngrell11 and trapboyrell59,** and any other accounts and user names associated with Terrell Kinchen , and that those items will constitute evidence, fruits or instrumentalities of the enticement of a minor in violation of Title 18, United States Code, Section 2422(b), as well as violations of Title 18, United States Code, Sections 1470, 2251, 2252, 2252A and 1591.

18. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711(3) and 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United States (including a magistrate judge of such a court) . . . that - has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

19. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. Also, because these records are not contained within a residence, and are located in a business that may be equipped to comply with this order at any time of the day or night, I request that the search warrant issued herein authorize its execution at any time rather than being required to be executed between certain specified hours.

20. Based on my knowledge, training and experience, and consultations with other law enforcement experts, I know that the data exchanged through Kinchen's account can remain

on the Snapchat servers for an extended period of time. I also know that Snapchat can extract the necessary data specific to Kinchen's account.

WHEREFORE, I respectfully request that the Court issue a search warrant for the account and records listed in Attachment "A" of this affidavit, for the items listed in Attachment "B" of this affidavit, all of which are incorporated by reference as if fully set forth herein.

Marisol O'Leary, Special Agent
Homeland Security Investigations

Reviewed and approved:

Juanita Fielden
Assistant United States Attorney

Sworn and subscribed before me this 17th day of November, 2016.

E. SCOTT FROST
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT "A"
ITEMS TO BE SEARCHED

This warrant applies to information associated with the **Snapchat Account Vanity Names: youngrell11 and trapboyrell59,** that are stored at premises owned, maintained, controlled, or operated by Snapchat, a company headquartered in Venice, California.

ATTACHMENT "B"

PARTICULAR THINGS TO BE SEIZED

I. Information to be disclosed by Snapchat

Snapchat is required to disclose the following information to the government for the user account or user ID listed in Attachment "A," and any related accounts that are controlled by the same user:

(a) All contact information for **Snapchat Account Vanity Names: youngrell11 and trapboyrell59,** including full name, user identification number, birth date, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers, a PDF of the current status of the profile page, and any individuals that have "de-friended" him.

(b) All Photoprints, including all photos uploaded by that user ID, and all photos uploaded by any user that have that user tagged in them;

(c) All Neoprints, including profile contact information; Mini-Feed information; status updates; links to videos, photographs, articles, and other items; Stories, Notes; Wall postings; friend lists, including the friends' Snapchat user identification numbers; groups and networks of which the user is a member, including the groups' Snapchat group identification numbers; future and past stories; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Snapchat applications;

(d) The content of all other communications, **stories,** and messages made or received by the user, **including all private messages, direct messages, "secret messages"** and pending "Friend" requests, and the content of all messages made by or to the user through Snapchat;

(e) All IP logs, including all records of the IP addresses that logged into the account;

(f) All information about the user's access and use of Snapchat to include the user's friends and shared stories and videos;

(g) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);

(h) All privacy settings and other account settings;

(i) All records pertaining to communications between Snapchat and any person regarding the user or the user's Snapchat account, including contacts with support services and records of actions taken.

II. Information to be seized by the government from Snapchat

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Sections 1470, 2251, 2252, 2252A, and 2422(b), involving **Snapchat Account Vanity Names: youngrell11 and trapboyrell59,** including information pertaining to the following matters:

(a) Records related to violations of Title 18, United States Code, Sections 1470, 2251, 2252, 2252A, and 2422(b), relating to material involving the sexual exploitation of minors;

(b) Records relating to the person who created, used, or communicated with all user IDs, including records relating to their identities and locations; and

(c) Registration data, including the original IP address that was used to create the Snapchat account for any referenced user ID, interests listed, and any other user or Snapchat-generated data created at the time the account was created.